
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Beasley Family Towers, LLC)	File No.: EB-FIELDSCR-13-00012582
Owner of Antenna Structure No. 1236329)	
)	NOV No.: V201432600001
)	
Miami, Florida)	

NOTICE OF VIOLATION

Released: December 16, 2013

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Beasley Family Towers, LLC (Beasley), owner of antenna structure number 1236329 in Miami, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On December 2, 2013, an agent of the Enforcement Bureau's Miami Office inspected antenna structure number 1236329 located in Biscayne Bay behind 1 Herald Plaza, Miami, Florida, and observed the following violations:

- a. 47 C.F.R. § 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified."
According to the FCC Antenna Structure Registration (ASR) for antenna structure number 1236329, the tower requires a dual lighting system as specified in FCC Paragraphs A2, H, 3, 4, 13, 21, and 23. During the daytime inspection, the agent observed that the top-mounted medium intensity white strobe was not functioning.
- b. 47 C.F.R. § 17.47(a)(2): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: . . . (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights as to

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

provide indication of such failure to the owner.” A Beasley representative stated to an agent that antenna structure 1236329 utilizes an automatic alarm system designed to detect and alert them of any light failure, but the system did not indicate an alarm on or before December 2, 2013.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Beasley must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴ The response must describe the periodic inspection practices for the automatic alarm system and the date the system was last inspected and found to be working properly.

4. In accordance with Section 1.16 of the Rules, we direct Beasley to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Beasley with personal knowledge of the representations provided in Beasley’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-0617

6. This Notice shall be sent to Beasley Family Towers, LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).